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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,385	12/21/2000	Firdosh K. Bhesania	MS1-705US	1121

22801 7590 07/30/2003

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,385

Applicant(s)

Bhesania et al

Examiner

Steve Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above, claim(s) 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-34, drawn to a method, system, and medium for providing user interface information into firmware on a USB device, querying the device, and communicating the user interface information to a requestor, classified in class 345, subclass 771.
 - II. Claims 35-37, drawn to a medium for providing a data structure for fields to describe a USB , classified in class 713, subclass 340.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as querying the device and communicating user interface information to a requestor. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Brian Hart on 7/24/03 a provisional election was made with traverse to prosecute the invention of I, claims 1-34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 35-37 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i)

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayramoglu et al (6289466) and Foster (6211870).

10. Regarding claim 1, Bayramoglu et al show providing user display information corresponding to a USB device into firmware on the USB device (column 3 lines 17-22 and 30-35 and especially 64-67, column 5 lines 3-25, column 6 lines 40-55), and responsive to receiving a host specific device request, communicates the user display information to the requestor (column 9 lines 30-45, column 10 lines 15-26). Bayramoglu et al do show user interface information (column 12 lines 10-24), but do not specifically show that the user interface details are communicated in response to the host specific device request. They deal with the user display and monitor characteristics, for user flexibility in controlling the display. Furthermore, Foster shows that in response to receiving a host specific device request, that user information details are communicated to a requestor, for user flexibility in controlling the display (Figures 9, 10, column 7 lines 40-60). It would have been obvious to a person with ordinary skill in the art,

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to include in the user display information in Bayramoglu et al, user interface information as well, because it would allow user flexibility in controlling the display.

11. Regarding claim 2, Bayramoglu et al show the custom propert section with entries corresponding to properties for the USB device (Figure 6 Bayramoglu et al).

12. Regarding claim 3, in addition to what is mentioned regarding claim 2, note that Figure 6 shows an indication of the number of property entries for which mappings exist in the custom properties section (the left entry shows the number of mappings for each entry by scrolling to get the maximum number). Alternatively, the user interface information communicated to the requestor in Foster (and rendered obvious per paragraph 4 of this Office Action) includes a finite list of mappings which thus indicates the number (Foster column 8 lines 30-40).

13. Regarding claim 4, the user interface information communicated to the requestor in Foster (and rendered obvious per paragraph 4 of this Office Action) includes icons and labels (Foster column 10 lines 50-65). Only one of the list in claim 4 need be shown to reject the claim, as it is stated in alternative form.

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14. Regarding claim 5, the user interface information communicated to the requestor in Foster (and rendered obvious per paragraph 4 of this Office Action) is in a data format specified by an operating system (Foster column 4 lines 54-59).

15. Regarding claim 6, in addition to the aforementioned, the user interface information communicated to the requestor in Foster (and rendered obvious per paragraph 4 of this Office Action) displays a set of user interface elements (Foster Figure 10).

16. Claims 7-11 show the same features as above and are rejected for the same reasons.

17. Regarding claim 12, in addition to the aforementioned, Bayramoglu et al show USB request codes including device requests to get or obtain descriptors (column 11 lines 37-65, column 12 lines 44-65 all show examples of these).

18. Claims 13-15 show the same features as above and are rejected for the same reasons.

19. Regarding claim 16, in addition to the aforementioned, Bayramoglu et al do not show a non-standard USB request and then receiving an extended property descriptor for the user interface information. However, the obviousness for receiving extended properties (and their corresponding descriptors) to include user interface specific information is shown in paragraph 4

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of this Office Action, using Foster. Furthermore, given that this is extra or extended to what is shown in Bayramoglu et al, the examiner takes Official Notice that a non-standard USB request would be used, in order to provide flexibility to receiving extended properties.

20. Claims 17-34 show the same features as above and are rejected for the same reasons.

21. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX
PRIMARY EXAMINER